REMARKS

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1-19 and 25-26 were pending prior to the Office Action. Claims 1, 2, 3, 5, 6, 12, 14-16, 18, 19 and 25 have been amended through this Reply. Therefore, claims 1-19 and 25-26 remain pending. Claims 1, 2, 7, 12-15, and 25-26 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

35 U.S.C. § 112, 1st Paragraph Rejection

Claims 1, 2, 12-15, 25, and 26 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

The Examiner alleges that the newly added claim limitations "*the acquired data provided with the folder name or the file name is not the image data from which the piece of code information is extracted*" are not supported by the original specification (See Office Action, pages 3-4). Applicants respectfully traverse.

The specification need not literally recite the exact claim limitation as long as one of ordinary skill in the art would be apprised that the inventors had possession of the invention at the time the application was filed.

For example, Figures 2, 10, 13, and 16 of the instant disclosure clearly show image data comprising codes. Figures 3B, 9A, and 9B clearly show different images that are to be provided with a filename based on code information extracted from the image data comprising the codes. Figure 1, reference 17 shows previously stored image folders and files. Paragraphs [0100], [0104], and [0106] of the instant specification clearly recite naming an image file based on code information extracted from image data picked up by the camera. These citations are not meant to be exhaustive of support for the added limitations in the claims.

For example, the specification recites, at page 31, line 22 to page 32, line 5,

"Next, the user turns on the shutter button 18d to pick up the image of a desired code from a code list sheet as shown in FIG. 2 by the camera unit 13a. When the CPU 10 determines that the shutter button 18d is turned on (S4: YES), the CPU 10 fetches a piece of the image data acquired by the camera unit 13a, i.e., the piece of the image data

obtained by picking up the image of the desired code here (S5), and inputs in the code recognition unit 14 the piece of the image data outputted from the camera processing unit 13" (emphasis added).

It is apparent from the specification that such "a piece of the image data acquired by the camera unit 13a" is an example of the "image data from which the piece of code information is extracted" of Claim 1.

Furthermore, the specification recites at page 33, line to page 36, line 9, for example,

"when the folder name or file name in the image file already recorded in the recording medium 17 is desired to be changed, ... The user turns on the shutter button 18d, to pick up the desired code from the code list sheet as shown in FIG. 2 by the camera unit 13a. When determining that the shutter button 18d is turned on (S21: YES), the CPU 10 fetches the piece of the image data acquired by the camera unit 13a, i.e., the piece of the image data obtained by picking up the image of the desired code (S22) ... . When the code can be recognized from the piece of the image data acquired by the camera unit 13a (S24: YES), the code recognition unit 14 reads the piece of the code information corresponding to the recognized code from the code information DB 14b (S25), and transmits the piece of the code information thus read to the name generation unit 15. The name generation unit 15 generates the name of the folder or file selected by the cursor key 18a, based on the piece of the code information acquired from the code recognition unit 14 (S26), and reports to the CPU 10 changes the folder name or file name selected by the user, to the name generated by the name generation unit 15 (S27)" (emphasis added).

It is apparent from the specification that "the image file already recorded in the recording medium 17" is an example of the "acquired data provided with the folder name or the file name" of Claim 1.

Therefore, the specification clearly does support the feature "the acquired data provided with *the* folder name or the file name is not the image data from which the piece of code information is extracted," as it is apparent from the specification that "a *piece* of the image data acquired by the camera unit 13a" is not the same as "image file already recorded in the recording medium 17."

Although Applicant respectfully disagrees with the Examiner's allegation as described above, in the hopes of expediting prosecution Applicants have amended claim 1 in order to clearly show the difference between the "the acquired data provided with the folder name or the

file name" and "the image data from which the piece of code information is extracted (a piece of image data)" of Claim 1.

Based on the foregoing, Applicants respectfully request that the § 112, first paragraph rejection of claims 1, 2, 12-15, 25, and 26 be withdrawn.

35 U.S.C. § 112, 2nd Paragraph Rejection

The Examiner has rejected claims 1, 2, 14, and 15 under § 112, second paragraph, alleging that the limitation "the data" lacks antecedent basis. Applicants have addressed the rejection through the instant Reply and respectfully request that the rejection of claims 1, 2, 14, and 15 under 35 U.S.C. § 112, 2nd paragraph be withdrawn.

Claim Rejections - 35 U.S.C. §§ 102 and 103

Claims 1-3, 5-16, 18, 19, and 25-26 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Pub. No. 2003/0122943 to Irie ("Irie").

Claims 4 and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Irie in view of U.S. Patent No. 6,438,320 to Hatanaka ("Hatanaka").

Applicants submit the Examiner has failed to establish a *prima facie* case of anticipation and/or obviousness and traverse the rejections.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. §102, the cited reference must teach or suggest each and every element in the claims. *See M.P.E.P. §2131; M.P.E.P. §706.02.* Accordingly, if the cited reference fails to teach or suggest one or more claimed elements, the rejection is improper and must be withdrawn.

The Examiner maintains that Irie anticipates the features of Claim 1 under 35 U.S.C. § 102 (e). For the allegation, the Examiner corresponds the paragraph [0098], lines 5-8, of Irie with the feature "*an extraction means for extracting a piece of code information corresponding to a code which is possessed on said image from a piece of image data acquired by picking up an image having the code by the image pickup unit*" of Claim 1 (see Office Action, page 6).

Paragraph [0098] of Irie recites "when <u>the user inputs a desired</u> <u>filename of tune or sound</u> by operating the operation switch, the tune code or the sound code is determined <u>from the</u> <u>filename input by the user</u>," as the Examiner suggests (see Office Action, page 6).

However, this passage in Irie <u>does not</u> disclose "... extracting a piece of code information ... <u>from</u> a piece of <u>image data obtained by picking up an image having the code by the image</u> <u>pickup unit</u>" of the feature of Claim 1 described above.

Furthermore, the Examiner corresponds the description in paragraph [0104], lines 1-5 of Irie with the feature "the acquired data provided with the folder name or the file name is not the image data from which the piece of code information is extracted" of Claim 1. Based on the antecedent, it is apparent that the feature of Claim 1 means "the acquired data (stored by the storage means and) provided with the folder name or the file name is not the image data (obtained by picking up an image having the code by the image pickup unit) from which the piece of code information is extracted."

Paragraph [0104] of Irie recites "the filename determined is just required to include first eight characters respectively corresponding to image files, and the serial number included in the file name may be intermittent or continuous in the order in which images are taken in" as the Examiner suggests (see Office Action, pages 6-7). However, this description in paragraph [0104] is <u>irrelevant</u> to the feature "the acquired data (stored by the storage means and) provided with the folder name or the file name is not the image data (obtained by picking up an image having the code by the image pickup unit) from which the piece of code information is extracted" of Claim 1. Irie cannot teach or suggest this feature of the claims.

Therefore, at least because Irie fails to teach or suggest each and every claimed element, independent claim 1 is distinguishable from the prior art. Independent claims 2, 7, 13-15, 25, and 26 are also distinguishable from Irie at least for the reasons presented above with respect to claim 1. Furthermore, Hatanaka is not, and indeed cannot be, relied upon to cure the aforementioned deficiencies of Irie. Dependent claims 3-6, 8-12, and 16-19 are also distinguishable from the prior art at least due to their dependence from claims 1, 7, or 14, directly or indirectly. Accordingly, Applicants respectfully request that the rejection of claims 1-19 and 25-26 under 35 U.S.C. § 102(e) or § 103(a) be withdrawn.
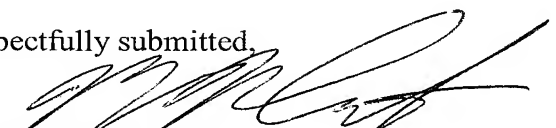
CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders (Reg. No. 60,166) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: January 25, 2010

Respectfully submitted,

By_____
Michael R. Cammarata
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

MRC/JRS/py